

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

SPECULATIVE PRODUCT DESIGN,
LLC, dba SPECK PRODUCTS, a
California Limited Liability Company,

Plaintiff,

vs.

PETER PASSARETTI, an Individual,
GAIL PASSARETTI, an Individual, and
DOES 1-10, Inclusive,

Defendants.

Case No.: CV 13-06661 DDP (JEMx)

**PERMANENT
INJUNCTION AGAINST
DEFENDANTS PETER AND GAIL
PASSARETTI**

The Court, pursuant to the Stipulation For Entry of Permanent Injunction (“Stipulation”), between SPECULATIVE PRODUCT DESIGN, LLC, a California Limited Liability Company d/b/a SPECK PRODUCTS (“Plaintiff”), on

1 the one hand, and Defendants PETER and GAIL PASSARETTI (collectively
2 "Defendants"), on the other hand, hereby ORDERS, ADJUDICATES and
3 DECREES that a permanent injunction shall be and hereby is entered against
4 Defendant as follows:

5 1. **PERMANENT INJUNCTION.** Defendants and any person or
6 entity acting in concert with, or at their direction, including any and all agents,
7 servants, employees, partners, assignees, distributors, suppliers, resellers and any
8 others over which they may exercise control, are hereby restrained and enjoined,
9 pursuant to 15 U.S.C. §1116, from engaging in, directly or indirectly, or
10 authorizing or assisting any third party to engage in, any of the following activities
11 in the United States and throughout the world:

12 a. importing, exporting, marketing, selling, offering for sale,
13 distributing or dealing in any product or service that uses, or otherwise making
14 any use of, any of SPECK's Trademarks, patents, and/or any Intellectual Property,
15 including its SPECK® and CANDYSHELL® word and design marks, that is
16 confusingly or substantially similar to, or that constitutes a colorable imitation of,
17 any of SPECK's Trademarks, whether such use is as, on, in or in connection with
18 any trademark, service mark, trade name, logo, design, Internet use, website,
19 domain name, metatags, advertising, promotions, solicitations, commercial
20 exploitation, television, web-based or any other program, or any product or
21 service, or otherwise;

22 b. performing or allowing others employed by or representing
23 Defendants, or under their control, to perform any act or thing which is likely to
24 injure Plaintiff, any of SPECK's Trademarks, including its SPECK® word and
25 design marks, its CANDYSHELL® word and design marks, patents, and/or
26 Plaintiff's business reputation or goodwill, including making disparaging,
27 negative, or critical comments regarding Plaintiff or its products;

28 c. engaging in any acts of federal and/or state trademark

infringement, false designation of origin, unfair competition, trademark dilution, patent, or any other act which would tend damage or injure Plaintiff; and/or

d. using any Internet domain name or website that includes any of SPECK's Trademarks, including its SPECK® and/or CANDYSHELL® word and design marks.

6 2. Defendants are ordered to deliver immediately for destruction all
7 unauthorized products, including counterfeit SPECK®-branded products and
8 related products, labels, signs, prints, packages, wrappers, receptacles and
9 advertisements relating thereto in their possession or under their control bearing
10 any of Plaintiff's Trademarks, patents, intellectual property or any simulation,
11 reproduction, counterfeit, copy or colorable imitations thereof, to the extent that
12 any of these items are in Defendants' possession.

13 3. This Permanent Injunction shall be deemed to have been served upon
14 Defendants at the time of its execution by the Court.

15 4. Defendants will be making an agreed-upon payment to Plaintiff, as
16 more particularly described in a separate Settlement Agreement

17 5. **NO APPEALS AND CONTINUING JURISDICTION.** No
18 appeals shall be taken from this Permanent Injunction, and the parties waive all
19 rights to appeal. This Court expressly retains jurisdiction over this matter to
20 enforce any violation of the terms of this Permanent Injunction.

21 6. **NO FEES AND COSTS.** Each party shall bear its/his/her own
22 attorneys' fees and costs incurred in this matter.

23 | DATED: May 08, 2014

Dan Ryerson

HON. DEAN D. PREGERSON
United States District Judge
Central District of California